

REMARKS

In this response to the above-identified Office Action, Applicants respectfully request reconsideration in view of the above amendments and following remarks. Claims 1 and 8 have been amended. No claims have been added or cancelled. Accordingly, Claims 1-4 and 8-16 are pending in the application.

Interview Summary

Applicant greatly appreciates Examiner's time in discussion via telephone conference on February 11, 2009. Examiner and Attorney for the Applicant discussed the 101 rejections of the Office Action. Examiner suggested that Applicant amend each independent claim to tie the respective method within the body of the claim to special purpose hardware. Applicant submits the amendments in the present response.

Claim Amendments

Applicants have amended Claims 1 and 8 to clarify that the claimed method steps are performed "by the computer, wherein the computer is adapted to" perform the respective steps. Support for the amendments may be found in the specification at least at ¶¶ 0017, lines 1-3; 0100, lines 1-2; and 0102-0113 (*note especially* ¶ 0102, lines 2-3). Applicants respectfully submit that no new matter has been added, and that the amendments are within the scope of Examiner's search.

Claims Rejected Under 35 U.S.C. § 101

Claims 1-4 and 8-16 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees for the following reasons.

Applicant has amended Claim 1 to include method steps performed "by the computer, wherein the computer is adapted to" perform the respective steps. Applicant respectfully submits that the method as recited in the amended claim is in fact tied to a technological art, environment, and machine, resulting in a practical application producing a concrete, useful, and tangible result. Contrary to the assertion in the Advisory Action at p. 2, the claimed method as amended is tied to a special purpose machine because the computer as claimed is adapted to perform the specific steps of the method. Thus, Claim 1 is directed to statutory

subject matter under 35 U.S.C. § 101. Accordingly, reconsideration and withdrawal of the subject matter rejection of this claim are requested.

Independent Claim 8, as amended, includes elements similar to those of Claim 1. For at least the reasons discussed above in relation to Claim 1, Applicants submit that Claim 8 is also directed to statutory subject matter under 35 U.S.C. § 101. Accordingly, reconsideration and withdrawal of the subject matter rejection of this claim are requested.

Claims 2-4 and 9-16 depend from Claims 1 and 8, respectively, and include the limitations thereof. Thus, for at least the reasons discussed above in relation to the independent claims, Applicants submit that the dependent claims are also directed to statutory subject matter under 35 U.S.C. § 101. Accordingly, reconsideration and withdrawal of the subject matter rejection of these claims are requested.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 50-2421.

Sincerely,

Dated: February 18, 2009

 /David R. Stevens/
David R. Stevens
Reg. No. 38,626

Stevens Law Group
1754 Technology Drive, Suite 226
San Jose, CA 95110
Phone (408) 288-7588
Fax (408) 288-7542